

REMARKS

Claims 1-6, 9-18, 21-28, and 31-33 are pending in the application. Applicant has provided a listing of the claims for the Examiner's convenience. Reconsideration is respectfully requested in view of the following remarks.

I. Double Patenting

Claims 2, 13, and 24 were rejected on the ground of obviousness-type double-patenting as being unpatentable over claims 1, 11, and 21 of U.S. Patent No. 6,754,656 in view of U.S. Patent No. 5,247,672 ("Mohan").

Upon reviewing PAIR, Applicant notes that the terminal disclaimer filed on April 20, 2007 has been approved. Thus, claims 2, 13, and 24 should be in condition for allowance.

II. The § 102/103 Rejections

Claims 1, 12, and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mohan.

Claims 1-6, 9-18, 21-28, and 31-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mohan in view of U.S. Patent No. 4,716,528 ("Crus").

Applicant respectfully disagrees.

Claim 1, as amended, recites a method for controlling concurrency of access to data in a database system. The method includes receiving a lock request for access to data in the database system, in which the lock request is a request for a *page lock* or a *row lock* for a corresponding row or page in the database system containing the data. The method further includes associating the lock request with a partition lock on a partition that contains the row or the page in the database system containing the data.

A. Mohan Fails To Disclose Associating a Page Lock Request or a Row Lock Request With a Partition Lock on a Partition as Recited in Claim 1

Mohan discloses a method and apparatus for reading data pages in a transaction processing system without locking the pages (see Abstract). With regard to locking, Mohan discloses obtaining locks at granularities such as record locks (e.g., row locks), page locks, table locks, and file locks (e.g., table space locks) (col. 5, ll. 63-65).

While the Examiner is entitled to give the claims the broadest reasonable interpretation during examination, such an interpretation, however, must be consistent with the specification. See *In re Graves*, 69 F.3d 1147, 1152, 36 USPQ2d 1697, 1701 (Fed. Cir. 1995). In the present case, the Examiner is construing the term “partition” to be equivalent to “page” – i.e., the Examiner is reading Mohan’s “lock the page” on the limitation “associating the lock request with a partition lock on the partition that contains the row or page in the database system containing the data”. Such an interpretation is inconsistent with the specification and the claims of the present application. Both the claims and the written description distinguish between a page and a partition. That is, the claims specifically require associating a “page lock” or “a row lock” with a “partition lock”. Thus, a “partition lock” cannot be construed to be equivalent with a “page lock”.

B. Crus Fails To Disclose Associating a Page Lock Request or a Row Lock Request With a Partition Lock on a Partition as Recited in Claim 1

Crus discloses a method for managing lock escalation in a multi processing environment (see Abstract). In particular, Crus discloses using tablespace locking to limit the amount of storage needed for holding locks – i.e., to avoid too many page locks from being concurrently

held by multiple users, a page locking protocol is escalated to a tablespace locking protocol (col. 3, l. 63 – col. 4, l. 2).

Crus (as with Mohan), however, fails to disclose or suggest associating a page lock request or a row lock request *with a partition lock* on a partition, as recited in claim 1. Instead, Crus discloses only escalating a page locking protocol to that of a tablespace locking protocol to avoid lock storage capacity from being exceeded (col. 2, l. 61 – col. 3, l. 2). As discussed above, a “partition” cannot be construed to be a “page”.

C. The claim has limitations not taught by either reference

Both Mohan and Crus fail to disclose associating a page lock request or a row lock request with a partition lock on a partition, as recited in claim 1. Consequently, Mohan and Crus cannot render claim 1 obvious or anticipate claim 1.

Claims 2-6 and 9-11 depend from claim 1, and are allowable for at least the reasons that apply to claim 1.

D. Other Independent Claims

Independent claims 12 and 23 (and the claims that depend therefrom) incorporate limitations similar to claim 1, and are also allowable for at least the reasons that apply to claim 1.

Applicant respectfully submits that claims 1-6, 9-18, 21-28, and 31-33 are in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,

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October 02, 2007

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